

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Female Athletes United,

Plaintiff,

v.

Keith Ellison, in his official capacity
as Attorney General of Minnesota;
Rebecca Lucero, in her official
capacity as Commissioner of the
Minnesota Commission on Civil
Rights; **Erich Martens**, in his
official capacity as Executive Director
of the Minnesota State High School
League; **Willie Jett**, in his official
capacity as the Minnesota
Commissioner of Education;
**Independent School District No.
11 School Board; Independent
School District No. 192 School
Board; Independent School
District No. 279 School Board,**

Defendants.

Case No. 0:25-cv-02151-DWF/SGE

**Plaintiff's Motion for
Preliminary Injunction**

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiff Female Athletes United (“FAU”) moves this Court for a preliminary injunction to protect its female-athlete members from being forced to compete with or against biologically male athletes in contact sports and sports involving competitive athletic skill during the pendency of this case. Specifically, Plaintiff requests a preliminary injunction to:

- a. Preclude Defendants from allowing male athletes to compete with or against female-athlete members of Female Athletes United in sports designated for women or girls that are contact sports or sports involving competitive athletic skill;
- b. Require Defendants to declare ineligible any male athletes competing or seeking to compete with or against female-athlete members of Female Athletes United in sports designated for women or girls that are contact sports or sports involving competitive athletic skill;
- c. Preclude Defendants from applying or enforcing Minnesota law to require allowing male athletes to compete with or against female-athlete members of Female Athletes United in sports designated for women or girls that are contact sports or sports involving competitive athletic skill; and
- d. Apply the preliminary and permanent injunctions to protect any current or future female-athlete member of Female Athletes United.

FAU has Minnesota female members who attend public schools and are elite interscholastic softball athletes. FAU challenges Defendants’ discriminatory eligibility bylaws, which enable biological male athletes to

displace FAU's Minnesota members—and other female athletes—in competitive softball events. These bylaws fail to accommodate female athletes' interests and abilities. And they deprive females of equal athletic opportunities, including victories, rankings, honors, and participation in higher-level athletic competition, as well as public recognition of their athletic performances.

FAU requests an injunction against Keith Ellison, in his official capacity as the Attorney General of Minnesota; Rebecca Lucero, in her official capacity as the Commissioner of the Minnesota Department of Human Rights; Erich Martens, in his official capacity as the Executive Director of the Minnesota State High School League; Willie Jett, in his official capacity as the Minnesota Education Commissioner; the Independent School District No. 11 School Board (Anoka-Hennepin); the Independent School District No. 192 School Board (Farmington); and the Independent School District No. 297 School Board (Osseo), who have acted together to facilitate and enforce the discriminatory bylaws that enable male athletes to participate in—and prevail over female athletes in—interscholastic girls softball competitions in Minnesota.

As explained in FAU's Memorandum in Support of the Motion for Preliminary Injunction, the eligibility bylaws—by design and effect—result in the ongoing denial of equal athletic opportunity for female

athletes—including FAU’s Minnesota members—in violation of Title IX’s text, regulations, judicial construction, and history. *See* 20 U.S.C. § 1681. Absent equitable relief, FAU’s members will continue to suffer irreparable injury as a result of the bylaws during the 2024–2025 and 2025–2026 softball seasons. FAU’s Minnesota members require a preliminary injunction pending a final order due to the ongoing irreparable harm they are experiencing from a loss of athletic opportunity and attainment during their fleeting high-school athletic careers.

FAU’s memorandum of law shows that all three requirements for a preliminary injunction are met: FAU is likely to succeed on the merits of its Title IX claims; FAU’s Minnesota members will likely be irreparably harmed without an injunction; and the public interest and balance of hardships—which merge when defendants are government officials—tip decisively in FAU’s favor because Congress’ interest in eradicating impermissible sex discrimination and providing equal athletic opportunities is compelling.

Because a preliminary injunction requiring Title IX compliance poses no monetary risks to Defendants, FAU requests that the Court waive any bond requirement. Fed. R. Civ. P. 65(c). Plaintiff respectfully requests oral argument on this motion.

Respectfully submitted this 20th day of May, 2025.

By: /s/ Renee K. Carlson

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**Pro Hac Vice Applications
Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2025, a copy of the foregoing Plaintiff's Motion for Preliminary Injunction was filed with the Clerk of the Court using the ECF system. I also certify that the foregoing will be served, along with a copy of the Summons and Complaint, via a private process server upon the following defendants:

KEITH ELLISON

Attorney General
Office of the Minnesota Attorney
General
445 Minnesota Street, Suite 1400
Saint Paul, MN 55101-2131

**Independent School District No.
192 School Board**

Farmington Area Public Schools
Board of Education
20655 Flagstaff Avenue
Farmington, MN 55024

REBECCA LUCERO,

Commissioner
of the Minnesota Department of
Human Rights
540 Fairview Avenue North
Suite 201
Saint Paul, MN 55104

**Independent School District No.
279 School Board**

Osseo Area Schools Board of
Education
11200 93rd Avenue North
Maple Grove, MN 55369

ERICK MARTENS,

Executive Director of the Minnesota
State High School League
2100 Freeway Blvd.
Brooklyn Center, MN 55430-1735

**Independent School District No.
11 School Board**

Anoka-Hennepin Schools Board of
Education
2727 N Ferry Street
Anoka, MN 55303

WILLIE JETT, Minnesota

Education Commissioner
Minnesota Dept. of Education
400 NE Stinson Blvd
Minneapolis, MN 55413

/s/Renee K. Carlson
Renee K. Carlson
Attorney for Plaintiffs